

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ELROY PEDRO GOMEZ,  
Petitioner,  
v.  
WILLIAM "JOE" SULLIVAN,  
Respondent.

Case No. 19-cv-06129-SI

## **ORDER DENYING CERTIFICATE OF APPEALABILITY**

The petition for writ of habeas corpus was denied and judgment entered on October 16, 2020, and petitioner’s earlier-filed request for appointment of counsel was denied on October 20, 2020. Petitioner thereafter filed a notice of appeal from the October 20, 2020 order, and identified specific alleged errors in that order. This matter was referred by the U.S. Court of Appeals for the Ninth Circuit to the undersigned for the limited purpose of determining whether to issue a certificate of appealability as to the October 20, 2020 order. A certificate of appealability will not issue. *See* 28 U.S.C. § 2253(c). This is not a case in which “jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right and that jurists of reason would find it debatable whether the district court was correct in its procedural [ruling]” in the October 20, 2020 order. *See Slack v. McDaniel*, 529 U.S. 473, 484 (2000). The denial of the certificate of appealability is without prejudice to petitioner seeking a certificate from the United States Court of Appeals for the Ninth Circuit.

## IT IS SO ORDERED.

Dated: December 4, 2020

Susan Illston  
SUSAN ILLSTON  
United States District Judge